

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Daniel E. Ayer, Sr.

v.

Civil No. 07-cv-304-SM

Richard Gerry, Warden,
New Hampshire State Prison

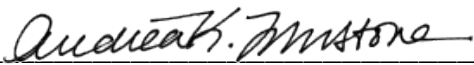
REPORT AND RECOMMENDATION

Before the court is Daniel Ayer's motion to amend (doc. no. 87), in which he seeks to add an issue to his pending petition for a writ of habeas corpus. In his motion, Ayer asserts that his right to access the court has been violated because he has not received copies of three of respondent's filings, Documents 76, 78, and 79, in the docket of this case. The documents are addenda to the respondent's motion for summary judgment (doc. no. 75), that respondent has filed electronically.

The proposed access to the courts claim is not appropriate for habeas relief, as any assertion of a violation of Ayer's right to receive certain filings in this action is not a challenge to the fact or duration of Ayer's present confinement. Accordingly, the motion to amend (doc. no. 87) should be denied,

without prejudice to Ayer filing a motion seeking to compel the respondent to provide him with paper copies of those documents (nos. 76, 78, and 79) if he still has not received them.

Any objections to this Report and Recommendation must be filed within fourteen days of receipt of this notice. See Fed. R. Civ. P. 72(b)(2). Failure to file objections within the specified time waives the right to appeal the district court's order. See United States v. De Jesús-Viera, 655 F.3d 52, 57 (1st Cir. 2011); Sch. Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010).



Andrea K. Johnstone
United States Magistrate Judge

March 30, 2015

cc: Daniel E. Ayer, Sr., pro se
Elizabeth C. Woodcock, Esq.
Susan P. McGinnis, Esq.